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DISTRICT OF UTAH  
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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION

|                           |   |  |
|---------------------------|---|--|
| UNITED STATES OF AMERICA, | : | 2:98CR 0278ST  |
| Plaintiff,                | : | GOVERNMENT'S OPPOSITION TO<br>DEFENDANTS' MOTION TO SUPPRESS |
| ROBERT G. WEEKS,          | : |  |
| DAVID A. HESTERMAN,       | : |  |
| TERRENCE DUNNE,           | : |  |
| JOSEPH A. FABILLI,        | : |  |
| CHRISTOPHER S. KNIGHT,    | : |  |
| LAWRENCE A. KRASNY,       | : |  |
| AND KENNETH L. WEEKS,     | : |  |
| Defendants.               | : |  |

The United States, by the undersigned Assistant United States Attorney and Special Assistant United States Attorney, hereby responds in opposition to defendant's motion to suppress testimony of Robert Cordes and Barbara Hesterman. The motion should be denied in both respects for the following reasons:

1. No rights of the defendants were adversely implicated during the interview of Robert Cordes. Accordingly, the defendants have no standing to seek suppression of Mr. Cordes' testimony.
2. There was no violation of any statute, regulation, constitutional provision, or privilege

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during the interview of Robert Cordes. Because nothing was done incorrectly, the defendants are not entitled to relief to the relief sought.

3. Even if something were done incorrectly during the interview of Robert Cordes, suppression of Mr. Cordes' testimony is not an appropriate remedy.
4. There was no violation of Fed. R. Crim. P. 6(e) because no disclosure of Barbara Hesterman's testimony before the grand jury was made to personnel of the Securities and Exchange Commission acting in a civil capacity.

5. Even if there were a violation of Rule 6(e), suppression is not the appropriate remedy.
6. In further support hereof, the United States files the attached memorandum of facts and law.

DATED this 28<sup>th</sup> day of September, 2000.

STEPHEN J. SORENSEN  
Acting United States Attorney



STEWART C. WALZ  
Assistant United States Attorney  
LESLIE J. HENDRICKSON  
Special Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office, and that a copy of the foregoing GOVERNMENT'S OPPOSITION TO DEFENDANTS' MOTION TO SUPPRESS was mailed to all parties named below, this 29 day of September, 2000.

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